

ADAM B. GOTTLIEB (New York Bar No. 4399135)
gottlieba@sec.gov
CHRISTOPHER J. CARNEY (District of Columbia Bar No. 472294)
carneyc@sec.gov
U.S. SECURITIES AND EXCHANGE COMMISSION
100 F Street, NE
Washington, DC 20549
Telephone: (202) 551-8299 (Gottlieb)

Attorneys for Plaintiff
SECURITIES AND EXCHANGE COMMISSION

Appearances of Counsel Continued on Next Page

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

U.S. SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

CROWD MACHINE, INC., METAVINE, INC,
and CRAIG DEREL SPROULE,

Defendants,

Case No. 4:22-CV-00076-HSG

Hon. Haywood S. Gilliam, Jr,

**STIPULATION AND JOINT
STATEMENT TO REQUEST
MODIFICATION OF SCHEDULING
ORDER (ECF NO. 36) AND EXTENSION
OF DEADLINES WITH ORDER)**

and

METAVINE PTY. LTD.,

Relief Defendant.

1 William A. Delgado (SBN 222666)
wdelgado@dtolaw.com
2 Justin T. Goodwin (SBN 278721)
jgoodwin@dtolaw.com
3 Alison D. Kehner (Admitted *pro hac vice*)
akehner@dtolaw.com
4 DTO LAW
601 South Figueroa Street, Suite 2130
5 Los Angeles, CA 90017
Telephone: (213) 335-6999
6 Facsimile: (213) 335-7802

7 Attorneys for Defendants
CROWD MACHINE, INC. and METAVINE, INC.,
8 and Relief Defendant METAVINE PTY. LTD.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Plaintiff United States Securities and Exchange Commission (“SEC”), Defendants Crowd
2 Machine, Inc. and Metavine, Inc., and Relief Defendant Metavine Pty, Ltd. (collectively “Crowd
3 Machine entities”), hereby jointly submit the following Stipulation and Joint Statement pursuant
4 to Local Civil Rules 6-1, 6-2, and 7-12, Federal Rule of Civil Procedure 16(b)(4), and paragraph
5 15 of this Court’s Standing Order, seeking modification of the Court’s December 9, 2022, order
6 (ECF No. 36) to extend the deadlines therein, subject to the Court’s approval, by approximately
7 14 days:

8 1. On March 23, 2022, the Court issued a Scheduling Order, setting this matter for a
9 May 11, 2023, hearing on the amount of monetary relief owed. The Order also set forth interim
10 deadlines for the completion of fact discovery, the exchange of expert reports and discovery, and
11 a briefing schedule for the SEC’s forthcoming motion for monetary relief.

12 2. On September 6, 2022, the Court granted the parties’ joint stipulation to extend
13 the deadlines set forth in the Scheduling Order by approximately 90 days (ECF No. 31).

14 3. On December 19, 2022, the Court granted the parties’ joint stipulation to extend
15 the deadlines set forth in the Scheduling Order by approximately 45 days. As a result, the SEC’s
16 motion for monetary relief is currently due on August 4, 2023, with a hearing on the SEC’s
17 motion scheduled for October 5, 2023 (ECF No. 36).

18 4. As set forth in the following Joint Statement of Good Cause, the parties agree
19 there is good cause to extend by 14 days the SEC’s deadline to file its motion for monetary relief
20 and all subsequent dates and deadlines in the Scheduling Order. Subject to the Court’s approval,
21 the parties propose that the hearing on the SEC’s motion for monetary relief similarly be
22 adjourned 14 days until October 19, 2023, at 2:00 p.m.

Joint Statement of Good Cause

5. Both fact discovery and expert discovery in this matter have now concluded.

6. The sole remaining deadlines in this matter relate to the SEC's anticipated motion for monetary relief, currently due on August 4, 2023. Defendants' and Relief Defendant's response to the SEC's motion for monetary relief is currently due September 1, 2023, with the SEC's reply due September 15, 2023. A hearing on the SEC's motion for monetary relief is scheduled for October 5, 2023.

7. In order to finalize the SEC's motion for monetary relief, counsel for the SEC must obtain authority from the Commission to request specific monetary remedy amounts in this case. Moreover, before seeking such authorization counsel must complete an internal review process.

8. Undersigned counsel for the SEC has worked diligently to obtain from the Commission authorization to file its motion for monetary relief, but the approval process remains ongoing and will not be complete before the SEC's filing deadline.

9. The parties therefore agree that, subject to the Court's approval, the SEC's deadline to file its motion for monetary relief and all subsequent dates and deadlines in the Scheduling Order be extended by 14 days.

10. The parties agree that this Joint Statement is made in good faith in the interest of judicial economy and is not for the purpose of delay.

Based on the foregoing, IT IS STIPULATED AND AGREED, by and between the parties and their undersigned counsel, that good cause exists for the deadlines set forth in the Court's order of December 19, 2022 (ECF No. 36) to be MODIFIED. The parties have conferred and jointly propose the following modifications to the current deadlines set forth in the Court's order of December 19, 2022:

Event	Current Date (ECF No. 36)	Proposed New Date
Deadline for SEC to file motion for monetary relief	Aug. 4, 2023	Aug. 18, 2023
Deadline for Defendants and Relief Defendant to file response to SEC's motion for monetary relief	Sept. 1, 2023	Sept. 15, 2023
Deadline for SEC to file reply in support of motion for monetary relief	Sept. 15, 2023	Sept. 29, 2023
Hearing on SEC's motion for monetary relief	Oct. 5, 2023, at 2:00 p.m.	Oct. 19, 2023, at 2:00 p.m.

Dated: July 28, 2023

By: /s/ Adam B. Gottlieb

ADAM B. GOTTLIEB
Attorney for Plaintiff
U.S. SECURITIES AND EXCHANGE
COMMISSION


Dated: July 28, 2023

By: /s/ Justin T. Goodwin

JUSTIN T. GOODWIN
Attorney for Defendants
CROWD MACHINE, INC.,
METAVINE, INC., and METAVINE PTY. LTD.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 7/31/2023


HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT JUDGE